

Ser. No. 09/719,182  
Customer No. 24498

PF980036

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Remarks/Arguments

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Claims 1-21 are pending. Claim 1-21 stand rejected.

Independent claims 1, 12 and 18 have been amended to clarify the claimed subject matter. No new matter is believed to be added by the present amendment.

**Rejection of claims 1 – 21 under 35 U.S.C. 102(e) as being anticipated by James et al. (US 6,108,739) (hereinafter James).**

Applicants submit that for at least the reasons discussed below James fails to disclose or suggest each and every limitation of the independent claims 1, 12 and 18, and thus, these claims, and the claims that depend therefrom, are not anticipated by James.

In the "response to arguments" section of the Office Action, the Examiner argues applicants' claimed feature of "verification by the actions manager of the availability, at a time when the action is to be carried out as specified by the time indication, of the resources involved in accomplishing the action" is anticipated by the time stamp of col. 1, line 67 to col. 13, line 3 of James.

Applicants respectfully disagree because there is nothing in James which indicates that the time stamp provides any time information as to a time when an action is to be carried out. The time stamp in James simply provides the age of the packet and provides a mechanism so that older packets are processed first.

The Office Action contends that "it is clear that the request [in James] does have the time information (time stamp)."

However, applicants submit that the time stamp information does not provide a time for carrying out an action. For example, if an action is to be carried out at 10am, the time stamp of James, which only indicates the age of a packet, does not provide any indication or information that an action is to be carried out at 10am. Neither does the time stamp in James indicate, for example, as further recited in claims 6, 7, 14, and 15, a start time or an end time.

In fact, James does not provide this information at all. The only information disclosed in James is the age of a packet and that older packets are processed first.

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Applicants' claim 1 concerns a process for programming actions, which are to be **carried out at a specified time**. This means that the time indicated in the request provides a time when the action is to be carried out and is not the time when the availability check is carried out. In that regard, claim 1 recites "the programming request including a set of parameters defining the action including a time indication and a list of resources involved in accomplishing the action" and "verification by the actions manager that the resources involved in accomplishing the action will be available at a time when the action is to be carried out as specified by the time indication." (emphasis added).

The time stamp discussed by James does not correspond to the time indication recited in the present claims. In James, the time stamp provides age information that is used to define the order of processing packets. The time stamp of James cannot be used to verify availability of resources at a time specified by the time indication as recited in the present claims, since one does not know from this time stamp when the resources have to be available. The recited verification simply cannot be carried out using the time stamp disclosed in James.

Additionally, as pointed out in previous responses, the last paragraph of claim 1 recites "transmission to the client application of a message of acceptance or of refusal of the programming of the action on the part of the preprogrammed actions manager depending on the result of the verification." In other words, the message indicates the result of the verification of the availability of the resources at the specified time.

It's contended in the Office Action that the use of the busy/retry and reject/resent protocols of James anticipate the last limitation of claim 1. Again, the applicants must respectfully disagree. As discussed in detail in applicants' previous responses, the busy/retry and reject/resend protocols have nothing to do with checking the availability of the source and target devices.

These protocols are used to reject subactions when certain queues of the bridge through which the subaction transits are full and cannot accept a new subaction. These protocols provide no message of acceptance or of refusal of the programming of the action on the part of the preprogrammed actions manager

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depending on the result of the verification. Thus, the alleged conclusion is incorrect and no relationship can be established between these protocols and the verification of availability of resources.

In view of the above, applicants submit that James fails to disclose or suggest each and every element of claim 1, and thus, claim 1, and the claims that depend therefrom, are not anticipated by James.

Independent claims 12 and 18, although different from claim 1, include similar limitations as those of claim 1 discussed above, and are likewise not anticipated by James for at least the same reasons as those discussed above with respect to claim 1. The respective dependent claims from each of claims 12 and 18, are likewise patentable for at least the above reasons and because each dependent claim includes further distinguishing features.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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